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Convention on the Rights of the Child

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Committee on the Rights of the Child
Sixty-fifth session

Summary record of the 1936th (Chamber B) meeting
Held at the Palais Wilson, Geneva, on Tuesday, 13 January 2015, at 3 p.m.

Chairperson: Ms. Wijemanne

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Fifth periodic report of Sweden (CRC/C/SWE/5; CRC/C/SWE/Q/5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Sweden took places at the Committee table.*

2. **Ms. Baralt** (Sweden) said that promoting the full and equal enjoyment of human rights, including the rights of the child, was a core value of the Swedish Government. The composition of the Swedish delegation reflected the Government's awareness that children's rights were a cross-cutting issue, with an impact on such areas as education, social welfare, legislation and justice, migration policy and health.

3. The right of the child to express his or her views in all matters affecting him or her was a challenge for decision makers. Legislation and economic resources were not enough. More was needed, including awareness-raising, training, new working methods and experience listening to children. In that connection, the work and commitment of the 2014 Nobel laureates Malala Yousafzai and Kailash Satyarthi were a great source of inspiration, and one of the goals of Swedish policy was for children to have the opportunity to influence society. In pursuit of that goal, the Ombudsman for Children had developed methods on how decision makers could learn from the knowledge and experience of children and young people.

4. As the primary interface between the State and the child, providers of social services were crucial to the protection of at-risk children, another area of great importance to Sweden. In an effort to prevent the recurrence of tragic cases similar to those that had drawn considerable attention in recent years, the Government planned to improve the ability of all parts of society, including the social services, to act promptly when information about at-risk children was received. New legislation had already resulted in change. When child abuse and neglect were suspected, for instance, reporting was mandatory, and the social services must determine immediately whether the child needed emergency protection.

5. Inclusion was a fundamental principle of the Swedish school system, and Swedish schools made every effort to give all children the same opportunities. As international comparisons had shown a drop-off in the performance of Swedish schools, however, a series of reforms had been launched. The Education Act, for example, was recently amended in an effort to ensure that students whose performance appeared substandard were given prompt support, which was particularly important in schools in challenging environments. Children with disabilities were to be given individualized help. Training materials were being developed to improve educational conditions for the children of recent arrivals to Sweden. The Government had recently decided that children living in care homes were entitled to attend school in the municipality where the home they were living in was located.

6. The Ombudsman for Children had received reports that physical restraints and solitary confinement were in widespread use in psychiatric institutions and detention facilities. As a result, the Government was proposing that such coercive measures should be taken against a child only if they were in the child's best interests and that the use of belts should be limited to no more than two hours. Restrictions on the use of solitary confinement were also being considered.

7. The numbers of children seeking asylum in Sweden were increasing. Guidelines for the reception of unaccompanied minors had been published, and in early 2014, in view of

the disappearance of such children from migrant reception centres, a plan for the protection of children from human trafficking had been adopted.

8. Sweden, the world's first country to ban the corporal punishment of children, had recently hosted a conference on the topic in the hope that international dialogue would hasten the process of banning that form of punishment. Sweden had also provided financial support for the work of the Special Representative of the Secretary-General on Violence against Children.

9. A decision had been made to begin work on transposing the Convention into domestic law. The new Government had not yet considered whether it would ratify the latest Optional Protocol on a communications procedure.

10. **Mr. Kotrane** (Country Rapporteur) said that, even though Sweden was clearly a great friend to the Convention, a number of questions were still pending. He asked first whether the Government or NGOs translated the Committee's concluding observations on the country's previous reports into Swedish. He also asked whether Sweden, as the Committee had recommended, intended to withdraw the declaration according to which it interpreted the words "any representation" in article 2 (c) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography as meaning "any visual representation".

11. Since the Convention on the Rights of the Child, like other international instruments, apparently did not take precedence over domestic law, he requested information on the conclusions of the inquiry that had been set up to analyse how the application of laws and other regulations complied with the Convention and, if necessary, to propose ways of supplementing and clarifying legislation. He also wished to know whether NGOs had contributed to the inquiry. Echoing concerns expressed by the Committee on the Elimination of Racial Discrimination, he asked what steps the Government had taken to ensure that the country's business sector, in particular its extractive industries, which were especially active in areas inhabited by indigenous peoples, respected children's rights; what was being done to combat the xenophobic and racist attitudes often faced by children of African origin and others; and whether removal of the term "race" from the Discrimination Act did not make it harder to combat racial discrimination. In that connection, the Committee was concerned about the precarious socioeconomic conditions in which Roma children in the State party often lived.

12. The principle of the best interests of the child was not always well understood by the courts and the administrative authorities. He would therefore like to know what courses were given to the authorities who dealt with children, in particular children seeking asylum or in conflict with the law, to ensure that in all such dealings application of that principle was standard procedure. He then asked whether the Government was taking steps to ensure that children's voices were heard, in particular in court cases whose outcomes could affect them. He noted that suicide, the rates of which were seemingly rather high in the State party, posed a threat to the child's right to life and wondered with alarm whether the proposed two-hour limit on the use of belts as restraining devices was not much too high.

13. **Mr. Gurán** (Country Rapporteur) said that the new reality in Sweden, a pioneer in the field of children's rights, required new responses. He therefore wished to know whether the inquiry begun in 2013 had concluded that the application of the relevant laws and regulations was fully compliant with the Convention, what steps the Government had taken to ensure a holistic approach to implementation of the Convention and whether there were any plans to give the Convention the status of law in Swedish legislation.

14. He requested further information about the way the Ministry of Finance's equalization system addressed the municipal or regional disparities in children's access to the services to which they were entitled. In that connection, information on whether there

were minimum standards for accessibility of services would also be welcome, as would information on the newly built website of the Ombudsman for Children. In addition, he asked whether the Ombudsman's Office functioned in full compliance with the Paris Principles; whether it received individual complaints and intervened in individual cases; whether it reported to the Government or to the legislature; how the Ombudsman was appointed; and whether the Ombudsman's Office offered regional contact points. A comment on the Government's intentions with respect to ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure would also be of great interest to the Committee.

15. Lastly, since people working in the field of children's rights in Sweden would apparently benefit from greater knowledge of the Convention, he asked whether the Committee's general comments — Nos. 12 and 14, for example — had been translated into Swedish; whether there had been campaigns to raise awareness of the most recent general comments; and how the authorities ensured that the right of the child to be heard was respected, in particular at school and at municipal level.

16. **Ms. Oviedo Fierro** asked whether the State party, in view of the growing popularity of political parties espousing xenophobic or discriminatory views, was stepping up efforts in educational establishments to raise awareness of the consequences of discrimination, xenophobia and related forms of intolerance. She also asked what the Swedish Government was doing to ensure that children with cognitive disorders received schooling on a par with that received by all children and to deal with the trauma that might affect the children of persons who arrived in Sweden as refugees. Information on any mechanisms to ensure that children's voices were heard and on whether children's participation was encouraged, in particular in matters that affected them, would be welcome as well. Lastly, in view of the criminal transactions it sometimes facilitated, she wished to know whether all children, especially those in vulnerable situations, had access to warnings about appropriate uses of the Internet.

17. **Mr. Cardona Llorens**, noting the high degree of autonomy granted to local governments in budgetary matters, asked how the State party ensured that children throughout the country had the same level of access to services. He wondered whether the Government was able to identify which budget lines were devoted to promoting and protecting children's rights in the budgets for each sector. Given the use of gender impact assessments in Sweden, he asked whether the Government was also required to conduct a child rights impact assessment before taking any budgetary, legislative or administrative measures and whether the best interests of the child were the paramount consideration in all decisions affecting them.

18. **Mr. Mezmur** said that it was also important to conduct child rights impact assessments in the context of international development aid, and he asked what progress had been made in that regard. He also asked the delegation to provide disaggregated data in relation to international development aid.

19. **Mr. Kotrane**, noting that Sweden was preparing to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, asked whether the Ombudsman for Children would be granted the power to receive complaints from children, so that they could make full use of domestic remedies before submitting a communication to the Committee.

The meeting was suspended at 4 p.m. and resumed at 4.25 p.m.

20. **Ms. Baralt** (Sweden) said that the inquiry set up to analyse the extent to which the implementation of Swedish laws and regulations complied with the Convention was expected to issue recommendations in the early autumn of 2015. NGOs and civil society were closely involved in the inquiry, the specific terms of which were currently being

reviewed by the Government. While local tax systems differed and were decided through democratic processes, leading to variations in the level of resources available at the local level, all municipalities needed to comply with national laws.

21. The Government had not yet decided whether or not it would ratify the third Optional Protocol to the Convention and thus had not yet planned any changes to the powers of the Ombudsman for Children. Sweden was still in the early stages of launching gender budgeting, and gender impact assessments were not yet in place. No decision had yet been taken on requiring child rights impact assessments. The Government was aware that increasing the participation of children in decision-making posed a significant challenge, and inquiries were currently under way that would help determine ways to move that process forward.

22. **Ms. Palmstierna** (Sweden) said that there was room for improvement with regard to translating the Committee's concluding observations into Swedish using language that was easy for children to understand. After the consideration of her country's previous periodic report, the Government had met with a number of NGOs to discuss the Committee's concluding observations and recommendations and determine which issues were of greatest concern. Her Government aimed to enhance its communication with NGOs and to further improve the reporting process through increased involvement at the local level. Indeed, the following day it would be engaging in dialogue with the NGOs represented at the current meeting.

23. **Mr. Ingrids** (Sweden) said that, while Sweden adhered to the principle of local self-governance, the central Government also supported local governments in their tasks by disseminating information and monitoring their work. The principle of local self-governance was a democratic one and enabled close contact between children and decision makers. The Ombudsman for Children was doing excellent work to bring children face to face with leaders of the institutions that served them.

24. **Mr. Stenberg** (Sweden) said that there were four State authorities that conducted evaluations or inspections of local education services to ensure their compliance with national law, namely the National Agency for Education, the Swedish Schools Inspectorate, the National Agency for Special Needs Education and the Sami School Board. The Education Act and the Discrimination Act provided for equal access to education for all. The schools overseen by the National Agency for Special Needs Education and the Sami School Board were run by the central Government rather than municipalities, in order to ensure the best possible allocation of resources for children with special needs and Sami children. The Government's efforts were aimed at eliminating not just racism but also discrimination against Muslims, members of the lesbian, gay, bisexual and transgender community and persons of African descent.

25. **Mr. Ingrids** (Sweden) said that the growth of racism in Sweden was of course a matter of concern. The National Agency for Education was conducting a three-year project to raise awareness about xenophobia in schools, including among teachers and other staff members. A campaign was also under way to raise awareness about hate speech in the media and on the Internet. A special investigator had been appointed to determine how such awareness-raising measures could be made more effective.

26. **Mr. Stenberg** (Sweden) said that the Government was taking measures to combat harassment and bullying in schools, including cyberbullying, which was more difficult to address given its anonymous nature. Every three years the National Agency for Education conducted a nationwide survey on competence in information and communications technologies, and the survey conducted in 2013 had included questions on cyberbullying. The results had shown that the majority of teachers wished to have training on dealing with the problem. The Swedish Agency for Youth and Civil Society had been tasked with

addressing the issue of harassment and threats on the Internet and would produce its final report on the subject in March 2015. In the meantime, material for teachers and students was available for download, as were empirical data on the topic.

27. **Ms. Oviedo Fierro** said that the helpline services for children in Sweden had set an example for other countries to follow, and she asked whether they would be continued and what funding would be allocated to them.

28. **Mr. Cardona Llorens** asked whether parents were provided with training on cyberbullying through the school system.

29. **Mr. Stenberg** (Sweden) said that there was currently no national initiative to educate parents about cyberbullying, though many municipalities had established their own programmes.

30. **Ms. Baralt** (Sweden) said that her delegation would address the issue of helplines at the next meeting.

31. **Ms. Palmstierna** (Sweden) said that, while child rights impact assessments were not required, they were becoming increasingly common. The Government appreciated the Committee's general comment No. 14, which provided helpful guidance related to the best interests of the child and child rights impact assessments. The ongoing inquiry analysing compliance with the Convention in the implementation of national laws would help to determine how to give better consideration to the best interests of the child when providing various social services.

32. **The Chairperson** asked whether any studies had been conducted to collect data on cyberbullying and racism in order to determine the extent of those problems.

33. **Mr. Stenberg** (Sweden) said that extensive empirical data on those issues had been collected and was available for download on the Internet.

34. **Ms. Evelius** (Sweden) said that the new Patient Act that had recently entered into force stipulated that the best interests of the child must be considered when health and medical care were provided to children and that the child's views must be taken into account. Belts were to be used in mental health-care settings only if it was in the best interests of the child, which in practice meant that they were used only in life-or-death situations.

35. **Ms. Peyron** (Sweden) said that the Aliens Act also provided that, in cases involving children, their health and development and their best interests must be considered. Child rights impact assessments were being used as a way of determining a child's best interests.

36. **Mr. Ingrids** (Sweden) said that the Ombudsman for Children's online statistics portal, known as "Max 18", allowed the Government to measure the implementation of children's rights to a certain extent. However, it was difficult to determine the results yielded by each measure taken. The "Max 18" portal was readily accessible and allowed users to pinpoint the statistics they were looking for with ease. The portal had enabled municipal governments to identify and remedy shortcomings in the implementation of the rights of certain groups of children.

37. **Ms. Palmstierna** (Sweden) said that the Committee's general comments were of great use to the Government. All general comments were translated into Swedish and could be accessed online. The Government had also made efforts to raise the awareness of the general public of the general comments.

38. **Ms. Falkdalen** (Sweden) said that the Swedish International Development Agency was responsible for implementing the Government's policy for global development and for allocating international development aid. The policy for global development advocated a

human rights-based approach to distributing such aid. The Agency continuously monitored and evaluated the impact of allocated aid by means of a computerized system. The Agency intended to make children's rights a separate subcategory in the system to ensure a more efficient and systematic evaluation of how allocated aid had benefited children on the ground. The Government was also strongly in favour of including a child's rights perspective in the post-2015 development agenda.

39. **Mr. Mezmur** asked whether the State party equated the approach taken by the Swedish International Development Agency to monitoring and evaluating how allocated aid had benefited children on the ground to a child impact assessment. He recalled the need for the State party to conduct child impact assessments systematically in all institutions dealing with children and adolescents. He asked whether children's views were taken into account by those responsible for distributing international development aid.

40. **Ms. Winter** said that the Committee had received reports that, each year, more than 1,000 minors were placed in isolation cells in police stations. The Committee understood that it was sometimes necessary to hold minors separately for short periods of time but insisted that no minor should be held in solitary confinement for an extended period of time. She asked why so many minors were placed in isolation cells as opposed to other types of cell.

41. **Mr. Kotrane** asked why the suicide rate among children with disabilities was so high in the State party and what measures the State party had taken to prevent suicide among that group of children.

42. **Mr. Gurán** asked what assistance was provided to families in which children were obliged to care for parents who were seriously ill or who had a disability and what assistance was provided to children whose parents were in prison.

43. **Mr. Kotrane** asked whether working fathers could apply for special parental leave to help them shoulder their family responsibilities, and how the State party planned to remedy the problem of children being unable to visit their parents in prison on account of the distance involved. He wished to know of the measures taken by the State party to raise awareness among professionals working with children of the prevalence of and the need to prevent violence against children with disabilities.

44. The Committee viewed the removal of a large number of child asylum seekers and unaccompanied minors from the State party as a major cause for concern, as those children could easily fall victim to sexual exploitation or abduction or end up returning to an abusive home. The Act on Guardians Ad Litem for Unaccompanied Children (2005:429) did not specify a time frame for appointing a guardian for an unaccompanied minor. Guardians should be appointed without delay and be provided with all necessary assistance.

45. The Committee had received reports that minors were often held in pretrial detention for up to 48 hours without undergoing a medical examination or being granted access to a lawyer. He asked what the maximum duration of pretrial detention for minors was in Sweden and whether it was formally established in law.

46. Recalling the recommendation contained in the Committee's 2007 concluding observations on the initial report of Sweden under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/SWE/CO/1) concerning the need to expedite the reform of the Criminal Code to strengthen measures to prevent the recruitment of children for armed conflict, he welcomed the fact that the new Act on international crimes covering genocide, crimes against humanity and war crimes (SOU 2002:98) prohibited the recruitment of children under the age of 15 into the armed forces and their use in battle. He asked whether the Act

also prohibited the recruitment of children between the ages of 15 and 18 into the armed forces and whether it covered children engaged in armed conflict abroad.

47. It appeared that the definitions of the sale of children, child prostitution and child pornography contained in Swedish law were not aligned with those contained in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. He recalled that States that had ratified the Optional Protocol were expected to take steps to bring their domestic legislation into conformity with its provisions. He asked when the State party planned to amend the Child Pornography Act and whether Swedish law afforded children between the ages of 15 and 18 who were victims of sexual exploitation, trafficking or prostitution the same protection as children under the age of 15.

48. **Mr. Cardona Llorens** asked what measures the State party had taken to give effect to the recommendations on children with disabilities contained in the Committee on the Rights of Persons with Disabilities' 2014 concluding observations on the initial report of Sweden (CRPD/C/SWE/CO/1). The State was to be commended on its inclusive education system. However, it should be recalled that the aim of inclusive education was to help children with disabilities reach their full potential and not just a required level of academic achievement, as seemed to be the case in some schools. He would be interested to know what became of those children with disabilities who failed to reach the required academic standard in such schools.

49. It appeared that, as a general rule, children in Sweden took part in a large number of extracurricular activities. However, at times their involvement in such activities was excessive and precluded them from engaging in play and other recreational activities. Moreover, the fact that extracurricular activities were often costly prevented children from poorer backgrounds from taking part, which amounted to discrimination on the grounds of socioeconomic background. He asked whether Swedish anti-discrimination legislation covered that form of discrimination.

50. **Mr. Mezmur** said that it was important to ensure that children did not devote excessive amounts of time to learning at the expense of engaging in play and in other recreational activities. He asked whether the State party had developed a long-term strategy to raise awareness of the Convention in schools and how the State party planned to raise the awareness of schoolchildren of Swedish anti-discrimination legislation. Noting that children described as being "in transit" often struggled to access education, he asked how the concept of "in transit" was defined and how the State party ensured that those children were not overlooked. He also wished to know how the State party planned to curb the high dropout rate among migrant children.

51. **The Chairperson**, speaking in her capacity as an expert, said that she understood that the International Code of Marketing of Breast-milk Substitutes was not being implemented in the State party and that the exclusive breastfeeding rate was alarmingly low. She asked why the exclusive breastfeeding rate was so low; what the State party was doing to promote exclusive breastfeeding; and whether there was a State policy on infant and young child feeding practices.

52. The Committee had also received information concerning the excessive use of drugs to treat attention deficit disorder and hyperactivity in children. She asked whether the State party had conducted research in that area and whether it had identified alternative forms of treatment.

53. **Ms. Al-Shehail** said that, despite efforts to improve the quality of the health care afforded to all children in Sweden, the standard of physical and mental health of children from disadvantaged groups remained low. She asked how the State party planned to improve that situation.

54. Noting that the daily allowance of asylum seekers appeared to have remained unchanged since 1994, she asked whether the State party planned to increase that allowance to take account of the current cost of living in Sweden. Moreover, there appeared to be considerable disparity in the social services offered to undocumented migrants and their children by the different municipal authorities. The State party should consider providing municipal authorities with guidelines on how to receive undocumented migrants and their children and on how to ensure that they had access to basic social services. Lastly, she asked whether the State party had adopted a national strategy to combat child poverty and, if so, whether it provided special assistance to groups of children who were disproportionately affected.

55. **Ms. Winter** requested the delegation to provide statistical data on trafficking in children, child abuse and offences committed against children by Swedish citizens abroad. She asked how the State party planned to reduce the prevalence of honour killings of girls, as well as boys perceived to be either bisexual or homosexual, within the country's Muslim population following the closure of the special criminal investigation unit for dealing with honour-related violence. She also wished to know whether the State party intended to build more sheltered housing to respond to the current shortage of such accommodation.

56. She asked whether the reports received by the Committee suggesting that children were often questioned without the presence of a parent, lawyer or social worker were accurate and, if so, how many children had been questioned in that manner. Noting that, in accordance with Swedish law, child suspects had to be assigned a lawyer unless it was obvious that there was no need for one, she enquired as to the criteria used to determine whether the need for a lawyer was mandatory or not. She would also like to know whether the working group responsible for determining whether Swedish domestic legislation needed to be amended to comply with Directive 2013/48/EU of the European Parliament and of the Council on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty, had submitted its report to the Government and of the findings of that report. Lastly, she asked what assistance the State party provided to children who were witnesses or victims of violence.

The meeting rose at 6 p.m.